

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

G & G CLOSED CIRCUIT EVENTS, LLC,

Plaintiff,

v.

ANA LINDA VELASQUEZ, et al.,

Defendants.

Case No. 1:20-cv-01736-NONE-SAB

ORDER REQUIRING PLAINTIFF TO FILE
A MOTION FOR DEFAULT JUDGMENT

SIXTY DAY DEADLINE

G & G Closed Circuit Events, LLC (“Plaintiff”) filed this action on December 9, 2020, against Ana Linda Velasquez, Erika Gabriela Velasquez, and Salvador Velasquez (“Defendants”). On April 1, 2021, Plaintiff filed a request for entry of default and the Clerk of the Court entered default against Defendants. (ECF Nos. 12, 13.) As of this date, no motion for default judgment has been filed.

Pursuant to Federal Rules of Civil Procedure 55, obtaining a default judgment is a two-step process. Yue v. Storage Technology Corp., No. 3:07-cv-05850, 2008 WL 361142, *2 (N.D. Cal. Feb. 11, 2008). Entry of default is appropriate as to any party against whom a judgment for affirmative relief is sought that has failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure and where that fact is made to appear by affidavit or otherwise. Fed. R. Civ. P. 55(a). After entry of default, the plaintiff can seek entry of default judgment. Fed. R. Civ. P. 55(b)(1) and (2). “Default judgments are generally disfavored, and whenever it is

1 reasonably possible, cases should be decided upon their merits.” In re Hammer, 940 F.2d 524,
2 (9th Cir. 1991) (internal punctuation and citations omitted).

3 Having been no activity in in this action since the entry of default, the Court shall order
4 Plaintiff to file a motion for default judgment. Further, since default has been entered against all
5 defendants in this action the May 18, 2021 scheduling conference shall be vacated and the parties
6 are not required to appear on that date.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The scheduling conference set for May 18, 2021 in Courtroom 9 is VACATED;
- 9 2. Within **sixty (60) days** from the date of service of this order, Plaintiff shall file a
10 motion for default judgment; and
- 11 3. Failure to comply with this order shall result in a recommendation that this action
12 be dismissed for failure to prosecute.

13 IT IS SO ORDERED.

14 Dated: **April 21, 2021**

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16 UNITED STATES MAGISTRATE JUDGE
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